

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**HELENA DIVISION**

BENNETT K. MACINTYRE,

Plaintiff,

v.

CARROLL COLLEGE,

Defendant.

No. CV-19-42-H-SEH

**ORDER**

On February 7, 2020, the Court issued its Scheduling Order,<sup>1</sup> which recited, in part:

7. Expert reports for any witness retained or specially employed to provide expert testimony, or whose duties as an employee of a party involve giving expert testimony, are required. Such reports shall comply with Fed. R. Civ. P. 26(a)(2)(B) and the requirements of this Order and are to include:

a. A separate statement of each opinion to be offered.

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<sup>1</sup> Doc. 25.

b. Specific identification of and source citations to facts or data considered, referenced, or relied upon by the witness in forming each of the opinions expressed. *Copies of all documents and data considered, referenced, or relied upon shall be attached as exhibits to the report when filed.*

c. A separate statement of the bases and reasons for each of the opinions.<sup>2</sup>

. . . .

8. Separate written disclosures of all non-retained experts (expert witnesses not obliged to provide a Fed. R. Civ. P. 26(a)(2)(B) written report) are required. Such disclosures must address and include all information required by Fed. R. Civ. P. 26(a)(2)(A) and (C) and shall include:

a. A separate statement of each opinion to be offered.

b. Specific identification of and source citations to facts or data considered, referenced, or relied upon by the witness in forming the each of the opinions expressed. *Copies of all documents and data considered, referenced, or relied upon shall be attached as exhibits to the written disclosure when filed.*

c. A separate statement of the bases and reasons for each of the opinions.<sup>3</sup>

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<sup>2</sup> Doc. 25 at 5–6 (emphasis added).


<sup>3</sup> Doc. 25 at 6–7 (emphasis added).

Defendant's Expert Witness Disclosure<sup>4</sup> did not include as attachments "[c]opies of *all* documents and data considered, referenced, or relied upon"<sup>5</sup> in forming each of opinions expressed, as required by the Court's February 7, 2020, Order.<sup>6</sup>

ORDERED:

Defendant shall, on or before January 15, 2021, file amended expert witness disclosures, including as attachments "[c]opies of *all* documents and data considered, referenced, or relied upon"<sup>7</sup> in forming each of the opinions expressed.

DATED this 8<sup>th</sup> day of January, 2021.

  
SAM E. HADDON  
United States District Judge

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<sup>4</sup> Doc. 38.

<sup>5</sup> Doc. 25 at 5–6 (emphasis added).

<sup>6</sup> Doc. 25, *see* Doc. 38-4 at 1.

<sup>7</sup> Doc. 25 at 5–6 (emphasis added).